

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

REC'D 17 JUN 2005

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To:

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28/4

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing

(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/EP2005/000354

International filing date (day/month/year)
14.01.2005

Priority date (day/month/year)
16.01.2004

International Patent Classification (IPC) or both national classification and IPC
B32B9/00, B32B27/18, B01J35/06

Applicant
DOMO OUDENAARDE NV

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☒ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/EP2005/000354

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material:
 - ☐ in written format
 - ☐ in computer readable form
 - c. time of filing/furnishing:
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in computer readable form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/EP2005/000354

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-29,31-44
	No: Claims	30
Inventive step (IS)	Yes: Claims	
	No: Claims	1-44
Industrial applicability (IA)	Yes: Claims	1-44
	No: Claims	

2. Citations and explanations

see separate sheet

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

Prior art:

- D1: PATENT ABSTRACTS OF JAPAN vol. 2003, no. 07, 3 July 2003 (2003-07-03) & JP 2003 071967 A (TAKIRON CO LTD), 12 March 2003 (2003-03-12)
- D2: PATENT ABSTRACTS OF JAPAN vol. 2003, no. 05, 12 May 2003 (2003-05-12) & JP 2003 019764 A (ACHILLES CORP; MISAWA CERAMICS CORP; MISAWA HOMES CO LTD), 21 January 2003 (2003-01-21)
- D3: PATENT ABSTRACTS OF JAPAN vol. 2002, no. 10, 10 October 2002 (2002-10-10) & JP 2002 178459 A (NATIONAL INSTITUTE OF ADVANCED INDUSTRIAL & TECHNOLOGY; TOUGEDA HIROSH), 26 June 2002 (2002-06-26)
- D4: PATENT ABSTRACTS OF JAPAN vol. 2003, no. 04, 2 April 2003 (2003-04-02) & JP 2002 371479 A (KURARAY CO LTD), 26 December 2002 (2002-12-26)
- D5: DATABASE WPI Section Ch, Week 200276 Derwent Publications Ltd., London, GB; Class D22, AN 2002-700542 XP002283098 & JP 2002 178459 A (null) 26 June 2002 (2002-06-26)
- D6: DATABASE WPI Section Ch, Week 200365 Derwent Publications Ltd., London, GB; Class A97, AN 2003-682980 XP002283099 & JP 2003 071967 A (TAKIRON KK) 12 March 2003 (2003-03-12)
- D7: DATABASE WPI Section Ch, Week 200365 Derwent Publications Ltd., London, GB; Class A97, AN 2003-682980 XP002283100 & JP 2003 071967 A (TAKIRON KK) 12 March 2003 (2003-03-12)
- D8: DATABASE WPI Section Ch, Week 200330 Derwent Publications Ltd., London, GB; Class D22, AN 2003-305277 XP002283101 & JP 2003 019764 A (null) 21 January 2003 (2003-01-21)
- D9: WO98/52871
- D13: WO02/085989

Independent claims 1, 2 and 25:

The features of independent claim 1 referring to a protective overlay and a base layer are optionally and may thus be disregarded in the present analysis.

Further to those optional items independent claim 1 refers to a laminate comprising a decorative upper layer wherein this layer comprises a web of fibres having deposited

therein and/or thereon photocatalyst particles embedded in a binder.

Since the abstract of D1 refers to a thermosetting resin the use of a binder substance appears to be disclosed implicitly. In any case such use belongs to the implicit knowledge of the those skilled in the art.

D1 explicitly refers to decorative laminated sheet comprising a photocatalyst layer. Titanium oxide acts as a photocatalyst, see present claim 4.

Thus, the subject-matter of present independent claim 1 and 2 differs from the disclosure of D1 in the fact that the upper layer comprises a web of fibres.

In this respect document D4 dealing with also with a decorative laminated fabric consisting of thermoplastic fibre (see title). The photocatalyst is contained in the fibre (see abstract of D4) The objective problem to solve would thus be the provision of a floor covering. Those skilled in the art are aware a web is a essential characteristic of a floor covering.

Accordingly, the subject-matter of independent claim 1 and 2 lacks an inventive activity. Independent claim 25 lacks patentability in the same sense.

Independent claim 11:

Independent claim 11 refers to a pure decorative layer. It appears to be intended that it is further used for a laminate comprising a web of fibres having deposited therein and/or thereon photocatalyst particles in a binder. However, it is not relevant for the present analyses whether or not it is intended to use the decorative layer. Thus, present claim 11 appears to refer to a pure decorative layer, which is however known from several prior art documents (D1 to D8).

Independent claim 18:

The wording of independent claim 1 refers to protective overlay and differs thus from

independent claim 1. Thus, claim 18 contains all features of independent claim 1 and consequently and for formal reasons should be rendered dependent from claim 1. Those objections equally concern dependent claims 19 to 24.

Dependent claims:

Document D3 (WPI-abstract) refers to a cloth which takes away inventive activity from dependent claim 2.

The subject-matter of dependent claim 4 lacks novelty, see disclosure of titanium dioxide in the WPI-abstract of document D1.

Dependent claims 5 and 6 describe the variation of the titanium dioxide material which is known to any person normally skilled in the art.

Dependent claims 8 to 10 and 12 to 15 refer to variations of polymers which are obvious to the skilled person.

The further dependent claims referred to in the European Search Report treat the same subject-matter as above discussed claims. Accordingly, the same objections apply thereto.

Clarity:

Independent claims 1 and 2 differ with regard to the protective overlay and the decorative upper layer. The essential features however remain the same. This features are directed to a laminate and a web of fibers having deposited therein and/or thereon photocatalyst particles embedded in a binder. Independent claim 11 essentially concerns the same subject-matter but appears to describe the features from the upside (decorative layer) whereas claims 1 and 2 begin with the laminate. Furthermore, independent claim 18 refers to an overlay which is however part of the laminate or decorative layer. All those claims are related very close (otherwise the present application would lack clarity) and therefore treated together.

Independent "composition" claim 30:

Claim 30 makes back-reference to independent claim 25. However, claim 25 is of the process category whereas claim 30 is a clear product claim directed to a composition. In addition, independent claim 25 does not contain any further features which would more precisely define the subject-matter of claim 30 (The photocatalyst composition in both cases contains photocatalyst particles, a binder and a solvent). Accordingly, such back reference lacks clarity.

The subject-matter of claim 30 is known from document D13; see photocatalyst coating composition comprising a photocatalyst, organic solvent and inorganic binder (abstract).

Claim 30 as presently on file refers to a composition comprising a photocatalyst, a binder and a solvent. Further features are optional. Accordingly, the subject-matter of independent claim 30 lacks novelty.

Use claim 40 and carpet claim 41:

The use of the according solution in order to for the treatment of carpets and the method therefore is not described in the prior art available. Closest prior art D9 does demonstrate the use of a photocatalyst for metal plate coating. Therefore, independent claims 40 and 41 and therefrom dependent claims meet the requirements of Art. 33(2)(3) PCT.